

Appl. No. : 09/445,945  
Filed : April 10, 2000

### REMARKS

In the outstanding Office Action, the Examiner has rejected Claims 30-37. Claim 30 has been amended, and Claim 34 has been canceled. No new matter has been added. Thus, Claims 30-33 and 35-37 are presented for further examination. Reconsideration and allowance of all Claims 30-33 and 35-37 in light of the present remarks is respectfully requested.

#### Discussion of Claim Rejections

The Examiner has rejected Claims 30-31, 33 and 36 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,616,677 to Krechel, et al. The Examiner also rejected Claims 34 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Krechel.

In regard to Claim 30, the Examiner stated that "Krechel et al shows a gas cylinder valve with inlet 9, filler check valve 13, discharge 31, valve 41 and actuator 56," and that "the valve of Krechel et al is inherently 'adapted', or fit, to be used with a filling station that is 'capable of being automated'."

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053.

The filling connection for gas cylinder valves having a discharge connection on the valve body of the gas cylinder, as recited in amended Claim 30, comprises, *inter alia*, "a filling union provided on a valve body in addition to the discharge connection, wherein the discharge connection and filling union are formed in one piece with the valve body, the filling union ... being adapted to be coupled to a filling station capable of being automated".

In contrast to Claim 30, Krechel is not "adapted to be coupled to a filling station capable of being automated". In particular, the valve 41 is "threaded in passage 10 for filling the tank", *Krechel* at col. 2, lines 15-20, thereby requiring a screwing connection to attach a filling line. Applicant respectfully submits that a valve requiring a screw type connection is not capable of being automated as recited in Claim 30.

As Claim 30 has been amended to recite a limitation similar to that recited in formerly pending and now canceled Claim 34, the rejection of Claim 34 will be discussed with respect to amended Claim 30. In regard to Claim 34, the Examiner asserted that "making the discharge 31 of Krechel et al integral with the main body is considered to be an obvious variation thereof."

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Obviousness can only be established by modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *M.P.E.P. § 2143.01*.

Applicant respectfully asserts that making Krechel's outlet member 27, with outer threaded portion 31, integral with the main body 3 is not an obvious modification nor is there any teaching or suggestion of such a modification found in the prior art. In fact, Krechel explicitly teaches away from an integral or one-piece structure, where objects of Krechel's invention include "the provision of a manifold fitting for a compressed air tank with components which can be easily interchanged; [and] the provision of such a manifold fitting that has the flexibility of changing to various configurations". *Krechel at col. 1, lines 17-22*.

Thus, as Krechel fails to describe every element as set forth in Claim 30, nor is the filling connection as recited in Claim 30 an obvious variation of Krechel, Applicant respectfully submits Claim 30 for further review as patentable subject matter.

Because Claims 31-33 and 35-37 depend from Claim 30, pursuant to 35 U.S.C. § 112, ¶ 4, they incorporate by reference all the limitations of the claim to which they refer. It is therefore submitted that these claims are in condition for allowance at least for the reasons expressed with respect to the independent claim, and for their other features.

## CONCLUSION

The applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes pursuant to statutory sections 102 and 103, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but

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are not intended as replacements or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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